

REFERENCE TITLE: parents' bill of rights; schools

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1050**

Introduced by  
Senator Gray C: Representative Barto

AN ACT

AMENDING SECTIONS 15-102 AND 15-104, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-105; RELATING TO PARENTS OF SCHOOL CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-102, Arizona Revised Statutes, is amended to  
3 read:

4           15-102. Parental rights and involvement in the school:  
5                                  definition

6       A. The governing board, in consultation with parents, teachers and  
7 administrators, shall develop and adopt a policy to promote the **RIGHTS AND**  
8 **involvement of parents ~~and guardians~~** of children enrolled in the schools  
9 within the school district, including:

10      1. A plan for parent participation in the schools which is designed to  
11 improve parent and teacher cooperation in such areas as homework, attendance  
12 and discipline.

13      2. Procedures by which parents may learn about the course of study for  
14 their children and review **ALL learning materials, INCLUDING TEXTBOOKS AND**  
15 **OTHER TEACHING AIDS. THE PROCEDURES SHALL ALLOW EACH PARENT TO REVIEW EACH**  
16 **TEST ADMINISTERED TO THE PARENT'S CHILD AFTER THE TEST IS ADMINISTERED. A**  
17 **PARENT MAY REQUEST THAT THE SCHOOL DISTRICT OR SCHOOL ALLOW THE PARENT'S**  
18 **CHILD TO TAKE ANY TEXTBOOK USED BY THE CHILD HOME FOR REVIEW BY THE PARENT**  
19 **AND THE SCHOOL DISTRICT OR SCHOOL SHALL COMPLY WITH THIS REQUEST IF**  
20 **SUFFICIENT COPIES OF THE TEXTBOOK ARE AVAILABLE. IF A PUPIL IS ALLOWED TO**  
21 **TAKE A TEXTBOOK HOME FOR PARENTAL REVIEW PURSUANT TO THIS PARAGRAPH, THE**  
22 **PUPIL SHALL RETURN THE TEXTBOOK TO THE APPROPRIATE TEACHER AT THE BEGINNING**  
23 **OF THE NEXT SCHOOL DAY IF REQUESTED TO DO SO BY THE PUPIL'S TEACHER. THE**  
24 **SCHOOL DISTRICT GOVERNING BOARD MAY SPECIFY REASONABLE HOURS FOR REVIEW OF**  
25 **THE MATERIALS LISTED IN THIS PARAGRAPH.**

26      3. Procedures by which parents who object to any learning material or  
27 activity on the basis that it is harmful may withdraw their children from the  
28 activity or from the class or program in which the material is used.  
29 Objection to a learning material or activity on the basis that it is harmful  
30 includes objection to a material or activity because it questions beliefs or  
31 practices in sex, morality or religion.

32           **~~B. The policy adopted by the governing board pursuant to this section~~**  
33 **~~may also include the following components:~~**

34           **1. 4. A plan by which parents will be made aware of the district's**  
35 **parental involvement policy and ~~the provisions of~~ this section, including:**  
36           **(a) Rights under the family educational rights and privacy act of 1974**  
37 **(20 UNITED STATES CODE SECTION 1232g) relating to access to children's**  
38 **official records. AS PERMITTED BY FEDERAL LAW, A PARENT IS ENTITLED TO**  
39 **ACCESS TO ALL WRITTEN RECORDS OF THE SCHOOL DISTRICT THAT CONCERN THE**  
40 **PARENT'S CHILD, INCLUDING THE FOLLOWING:**

- 41           **(i) ATTENDANCE RECORDS.**  
42           **(ii) TEST SCORES.**  
43           **(iii) GRADES.**  
44           **(iv) DISCIPLINARY RECORDS.**  
45           **(v) COUNSELING RECORDS.**

1                 (vi) PSYCHOLOGICAL RECORDS.  
2                 (vii) APPLICATIONS FOR ADMISSION.  
3                 (viii) HEALTH AND IMMUNIZATION INFORMATION.  
4                 (ix) EVALUATIONS OF THE CHILD BY TEACHERS AND COUNSELORS.  
5                 (x) REPORTS OF BEHAVIOR PATTERNS.  
6                 (b) The parent's right to inspect the school district policies and  
7 curriculum.  
8                 2. 5. Efforts to encourage the development of parenting skills.  
9                 3. 6. The communication to parents of techniques designed to assist  
10 the child's learning experience in the home.  
11                 4. 7. Efforts to encourage access to community and support services  
12 for children and families.  
13                 5. 8. The promotion of communication between the school and parents  
14 concerning school programs and the academic progress of the parents'  
15 children.  
16                 6. 9. Identifying opportunities for parents to participate in and  
17 support classroom instruction at the school.  
18                 7. 10. Efforts to SUPPORT, with appropriate training, ~~support~~ parents  
19 as shared decision makers and to encourage membership on school councils.  
20                 8. 11. The recognition of the diversity of parents and the  
21 development of guidelines that promote widespread parental participation and  
22 involvement in the school at various levels.  
23                 9. 12. The development of preparation programs and specialized  
24 courses for certificated employees and administrators that promote parental  
25 involvement.  
26                 10. 13. The development of strategies and programmatic structures at  
27 schools to encourage and enable parents to participate actively in their  
28 children's education. EACH SCHOOL DISTRICT GOVERNING BOARD SHALL COOPERATE  
29 IN THE ESTABLISHMENT OF ONGOING OPERATIONS OF AT LEAST ONE ORGANIZATION  
30 CONSISTING OF PARENTS AND TEACHERS AT EACH SCHOOL IN THE SCHOOL DISTRICT.  
31                 14. PROCEDURES TO ALLOW A PARENT:  
32                 (a) TO PETITION THE SCHOOL DISTRICT GOVERNING BOARD TO ALLOW THE  
33 PARENT'S CHILD TO ATTEND ANOTHER SCHOOL IN THAT SCHOOL DISTRICT.  
34                 (b) REASONABLE ACCESS TO THE SCHOOL PRINCIPAL OR TO ANOTHER DESIGNATED  
35 ADMINISTRATOR TO REQUEST THE REASSIGNMENT OF THE PARENT'S CHILD TO ANOTHER  
36 CLASS OR TEACHER IN THE SCHOOL UNLESS THE REASSIGNMENT WOULD ADVERSELY AFFECT  
37 THE ASSIGNMENT OR REASSIGNMENT OF ANOTHER PUPIL.  
38                 (c) TO SUBMIT ANY OF THE FOLLOWING REQUESTS TO THE SCHOOL DISTRICT  
39 GOVERNING BOARD, WITH THE EXPECTATION THAT THE REQUEST WILL NOT BE  
40 UNREASONABLY DENIED:  
41                 (i) THE ADDITION OF A SPECIFIC ACADEMIC CLASS TO THE REGULAR COURSE OF  
42 STUDY IF SUFFICIENT INTEREST IS DEMONSTRATED BY OTHER PARENTS AND PUPILS TO  
43 MAKE THE OFFERING OF THE CLASS PRACTICAL.

1               (ii) THAT THE PARENT'S CHILD BE PERMITTED TO ATTEND A CLASS FOR  
2 ACADEMIC CREDIT ABOVE THE CHILD'S GRADE LEVEL AT THE CHILD'S SCHOOL OR AT  
3 ANOTHER SCHOOL UNLESS THE SCHOOL DISTRICT GOVERNING BOARD DETERMINES THAT THE  
4 CHILD CANNOT PERFORM SATISFACTORILY IN THAT CLASS.

5               (iii) THAT THE PARENT'S CHILD BE PERMITTED TO GRADUATE EARLY FROM HIGH  
6 SCHOOL IF THE CHILD MEETS THE GRADUATION REQUIREMENTS PRESCRIBED IN SECTION  
7 15-701.01. A CHILD WHO IS PERMITTED TO GRADUATE EARLY AS PRESCRIBED IN THIS  
8 ITEM SHALL BE PERMITTED TO PARTICIPATE IN GRADUATION CEREMONIES AT THE TIME  
9 THAT THE CHILD GRADUATES FROM HIGH SCHOOL.

10              B. ANY ATTEMPT BY A SCHOOL DISTRICT EMPLOYEE TO ENCOURAGE OR COERCE A  
11 PUPIL TO WITHHOLD INFORMATION FROM THE PUPIL'S PARENT SHALL BE GROUNDS FOR  
12 DISCIPLINE OF THAT EMPLOYEE.

13              C. UNLESS OTHERWISE PROVIDED BY FEDERAL LAW OR BY OTHER STATE LAW, A  
14 SCHOOL DISTRICT, A SCHOOL DISTRICT GOVERNING BOARD, AN ADMINISTRATOR WHO IS  
15 EMPLOYED BY A SCHOOL DISTRICT OR A TEACHER WHO IS EMPLOYED BY A SCHOOL  
16 DISTRICT SHALL NOT LIMIT OR DENY THE RIGHTS OF PARENTS OF PUPILS WHO ARE  
17 ENROLLED IN THE SCHOOLS IN THE SCHOOL DISTRICT.

18              D. EACH SCHOOL DISTRICT GOVERNING BOARD SHALL DEVELOP GRIEVANCE  
19 PROCEDURES TO ADDRESS COMPLAINTS RECEIVED BY THE GOVERNING BOARD CONCERNING  
20 VIOLATIONS OF PARENTS' RIGHTS LISTED IN THIS SECTION.

21              E. THE PARENTAL RIGHTS LISTED IN THIS SECTION ARE NOT EXCLUSIVE AND  
22 THIS SECTION DOES NOT LIMIT A PARENT'S RIGHTS UNDER ANY OTHER PROVISION OF  
23 LAW.

24              F. THIS SECTION DOES NOT LIMIT OR PROHIBIT LAW ENFORCEMENT ACTIVITIES  
25 THAT ARE CONDUCTED ON SCHOOL GROUNDS.

26              G. For the purposes of this section, "parent" means the parent,  
27 GUARDIAN or person who has custody of the child.

28              Sec. 2. Section 15-104, Arizona Revised Statutes, is amended to read:

29              15-104. Mental health screening; consent; form; neglect;  
30              psychiatric medication

31              A. Before it conducts a mental health screening on any pupil, defined  
32 as a survey, analysis or evaluation created by a governmental or private  
33 third party pursuant to the protection of pupil rights act (20 United States  
34 Code section 1232h; 34 Code of Federal Regulations part 98), a school  
35 district or charter school must have obtained the written consent of the  
36 pupil's parent or legal guardian. The written consent must satisfy all of  
37 the following requirements:

38              1. Contain language that clearly explains the nature of the screening  
39 program and when and where the screening will take place.

40              2. Be signed by the pupil's parent or legal guardian.

41              3. Provide notice that a copy of the actual survey, analysis or  
42 evaluation questions to be asked of the student is available for inspection  
43 upon request by the parent or legal guardian.

1       B. A SCHOOL DISTRICT OR CHARTER SCHOOL EMPLOYEE SHALL NOT USE OR  
2 THREATEN TO USE THE REFUSAL OF A PARENT OR GUARDIAN OF A CHILD TO ADMINISTER  
3 OR CONSENT TO THE ADMINISTRATION OF A PSYCHIATRIC MEDICATION AS THE SOLE  
4 BASIS FOR MAKING A REPORT FOR NEGLECT OF THE CHILD PURSUANT TO TITLE 8,  
5 CHAPTER 10 UNLESS THE EMPLOYEE HAS CAUSE TO BELIEVE THAT THE REFUSAL PRESENTS  
6 A SUBSTANTIAL RISK OF DEATH, DISFIGUREMENT OR BODILY INJURY TO THE CHILD OR  
7 UNLESS THE REFUSAL HAS RESULTED IN AN OBSERVABLE AND MATERIAL IMPAIRMENT TO  
8 THE GROWTH, DEVELOPMENT OR FUNCTIONING OF THE CHILD.

9       C. THIS SECTION DOES NOT LIMIT OR PROHIBIT LAW ENFORCEMENT ACTIVITIES  
10 THAT ARE CONDUCTED ON SCHOOL GROUNDS.

11      Sec. 3. Title 15, chapter 1, article 1, Arizona Revised Statutes, is  
12 amended by adding section 15-105, to read:

13       15-105. Video or voice recording of pupils; consent; exception

14       A. EXCEPT AS PROVIDED IN SUBSECTION B, BEFORE IT MAKES A VIDEO OR  
15 VOICE RECORDING OF ANY PUPIL, A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL  
16 OBTAIN THE WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN.

17       B. PRIOR WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN IS  
18 NOT REQUIRED TO MAKE A VIDEO OR VOICE RECORDING OF A PUPIL IF THE VIDEO OR  
19 VOICE RECORDING IS TO BE USED SOLELY FOR ANY OF THE FOLLOWING PURPOSES:

20       1. SAFETY DEMONSTRATIONS, INCLUDING THE MAINTENANCE OF ORDER AND  
21 DISCIPLINE IN THE COMMON AREAS OF THE SCHOOL OR ON PUPIL TRANSPORTATION  
22 VEHICLES.

23       2. A PURPOSE RELATED TO A LEGITIMATE CURRICULAR OR EXTRACURRICULAR  
24 ACTIVITY.

25       3. A PURPOSE RELATED TO REGULAR CLASSROOM INSTRUCTION.

26       4. MEDIA COVERAGE THAT ORIGINATES AT THE SCHOOL.

27       C. THIS SECTION DOES NOT LIMIT OR PROHIBIT LAW ENFORCEMENT ACTIVITIES  
28 THAT ARE CONDUCTED ON SCHOOL GROUNDS.

29       Sec. 4. Short title

30       This act may be cited as the "Parents' Bill of Rights in Public Schools  
31 Act".